

## DECLARATION AND POWER OF ATTORNEY

We, Marshall S. Horwitz and Lawrence A. Loeb, whose application for letters patent for an invention entitled "METHOD FOR PRODUCING NOVEL DNA SEQUENCES WITH BIOLOGICAL ACTIVITY," Application No. 08/316,415, which was filed in the United States Patent and Trademark Office on September 30, 1994; which was a continuation of Application No. 08/105,108, which was filed in the United States Patent and Trademark Office on August 11, 1993; which was a continuation of Application No. 07/881,607, which was filed in the United States Patent and Trademark Office on May 12, 1992; which was a continuation of Application No. 07/368,674, which was filed in the United States Patent and Trademark Office on June 19, 1989, declare that this application (hereinafter referred to as "later C-I-P" application) in part discloses and claims subject matter disclosed in our earlier-filed Application No. 06/887,070, filed July 17, 1986, which was abandoned, and that all amendments filed in the United States Patent and Trademark Office claiming subject matter disclosed in said earlier application were part of said invention and were invented before the filing of said earlier application for said invention. We have reviewed and understand the contents of this later C-I-P specification, including the claims, and we believe we are the original, first, and joint inventors of the invention entitled "METHOD FOR PRODUCING NOVEL DNA SEQUENCES WITH BIOLOGICAL ACTIVITY," which is described and claimed in this later C-I-P specification and for which a patent is sought.

We acknowledge our duty to disclose information of which we are aware which is material to the examination of this application in accordance with 37 C.F.R. § 1.56(a), including material information which occurred between the filing date of said earlier-filed pending application and the present.

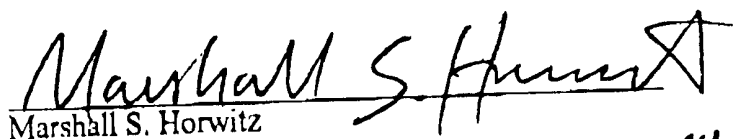
We hereby appoint RICHARD W. SEED, Registration No. 16,557; ROBERT J. BAYNHAM, Registration No. 22,846; EDWARD W. BULCHIS, Registration No. 26,847; GEORGE C. RONDEAU, JR., Registration No. 28,893; DAVID H. DEITS, Registration No. 28,066; WILLIAM O. FERRON, JR., Registration No. 30,633; PAUL T. MEIKLEJOHN, Registration No. 26,569; DAVID J. MAKI, Registration No. 31,392; RICHARD G. SHARKEY, Registration No. 32,629; DAVID V. CARLSON, Registration No. 31,153; MAURICE J. PIRIO, Registration No. 33,273; KARL R. HERMANN, Registration No. 33,507; DAVID D. McMASTERS, Registration No. 33,963; ROBERT IANNUCCI, Registration No. 33,514; JOSHUA KING, Registration No. 35,570; MICHAEL J. DONOHUE, Registration No. 35,859; KEVIN J. CANNING, Registration No. 35,470; CHRISTOPHER J. DALEY-WATSON, Registration No. 34,807; STEVEN D. LAWRENZ, Registration No. 37,376; ROBERT G. WOOLSTON, Registration No. 37,263;

CLARENCE T. TEGREENE, Registration No. 37,951; ELLEN M. BIERMAN, Registration No. 38,079; BRYAN A. SANTARELLI, Registration No. 37,560; MICHAEL L. KIKLIS, Registration No. 38,939; CAROL NOTTENBURG, Registration No. 39,317; CRAIG S. JEPSON, Registration No. 33,517; PAUL T. PARKER, Registration No. 38,264; JOHN C. STEWART, Registration No. 40,188; ROBERT W. BERGSTROM, Registration No. 39,906; DAVID W. PARKER, Registration No. 37,414; ROBERT E. MATES, Registration No. 35,271; and BRIAN G. BODINE, Registration No. P-40,520; comprising the firm of SEED and BERRY, 6300 Columbia Center, Seattle, Washington 98104-7092, as our attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. Please direct all future correspondence to:

Carol Nottenburg, Ph.D.  
SEED and BERRY  
6300 Columbia Center  
Seattle, Washington 98104-7092

and direct all telephone calls to Carol Nottenburg at (206) 622-4900 and telccopies to (206) 682-6031.

We further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.

  
Marshall S. Horwitz

Date May 22, 1997 Medina <sup>error-1996</sup>  
Residence : City of ~~Bellevue~~ County of King  
State of Washington  
Citizenship : United States of America  
P.O. Address : 925 80th Avenue Northeast  
Bellevue, Washington 98004

  
Lawrence A. Loeb

Date 5/23/97

Residence : City of Bellevue, County of King  
State of Washington

Citizenship : United States of America

P.O. Address : 13808 Northeast 36th Place  
Bellevue, Washington 98005

c:\winword\en\0638 (920010.690)

COMBINED DECLARATION AND POWER OF ATTORNEY  
IN PATENT APPLICATION

Attorney Docket No. UOFW-1-4539

As a below named inventor, I hereby declare that:

my residence, post office address and citizenship are as stated below next to my name;

I believe that I am a joint inventor of the subject matter that is claimed and for which patent is sought on the invention entitled METHOD FOR PRODUCING NOVEL DNA SEQUENCES WITH BIOLOGICAL ACTIVITY, the specification of which

(check one) \_\_\_\_\_ is attached hereto.

X was filed on June 19, 1989, as Application Serial No. 07/368,674.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below, and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status (patented, pending, abandoned)</u>
<u>06/887,070</u>	<u>July 17, 1986</u>	<u>pending</u>
_____	_____	_____
_____	_____	_____

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith: Bruce E. O'Connor, Reg. No. 24,849; Lee E. Johnson, Reg. No. 22,946; Gary S. Kindness, Reg. No. 22,178; James W. Anable, Reg. No. 26,827; James R. Uhler, Reg. No. 25,096; Jerald E. Nagae, Reg. No. 29,418; Michael W. Bocianowski, Reg. No. 28,692; Michael G. Toner, Reg. No. 27,601; John B. Mason, Reg. No. 29,563; Thomas F. Broderick, Reg. No. 31,332; Dennis K. Shelton, Reg. No. 26,997; Robert R. Cook, Reg. No. 31,602;

See paper # 33 for  
SDP  
2/22/98  
Inventorship change.

and the firm of Christensen, O'Connor, Johnson & Kindness. Address all telephone calls to Thomas F. Broderick at telephone No. (206) 441-8780.

Address all correspondence to:

CHRISTENSEN, O'CONNOR, JOHNSON & KINDNESS  
2700 Westin Building  
2001 Sixth Avenue  
Seattle, WA 98121

I hereby further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor	Citizenship
Dipak K. Dube	India
Residence	
6527 - 26th Avenue Northeast, Seattle, Washington 98115	
Post Office Address	
Same as above.	
Inventor's Signature	Date
✓ <i>Dipak K. Dube</i>	✓ 8/10/89

Full Name of Inventor	Citizenship
Marshall S. Horwitz	U.S.
Residence	
925 - 80th Avenue Northeast, Bellevue, Washington 98004	
Post Office Address	
Same as above.	
Inventor's Signature	Date
✓ <i>Marshall S. Horwitz</i>	✓ 8-10-89

Full Name of Inventor	Citizenship
Lawrence A. Loeb	U.S.
Residence	
13808 Northeast 36th Place, Bellevue, Washington 98005	
Post Office Address	
Same as above.	
Inventor's Signature	Date
✓ <i>Lawrence A. Loeb</i>	✓ 8/16/89